

GREGORY P. O'HARA (SBN 131963)
gohara@nixonpeabody.com
ANDREW R. NEILSON (SBN 221694)
aneilson@nixonpeabody.com
GINA M. FORNARIO (SBN 246619)
gforinario@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, California 94111-3600
Telephone: (415) 984-8200
Fax: (415) 984-8300

Attorneys for Defendant
FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER OF UNITED COMMERCIAL BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS S. WU,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as receiver of
United Commercial Bank, and FEDERAL
DEPOSIT INSURANCE CORPORATION, in its
corporate capacity,

Defendants.

Case No. CV10-4085 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING PRETRIAL DEADLINES
BASED ON CONDITIONAL
SETTLEMENT**

STIPULATION

This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16, 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). The mediation included participants and issues from several legal actions, including Thomas Wu's claims against the Federal Deposit Insurance Corporation in its capacity as receiver of UCB (the "FDIC")

and the FDIC's claims against Mr. Wu (together, "the Parties"). The terms of a conditional global settlement were reached. However, given the number of participants and the complexity of the issues, the parties are still negotiating the terms and conditions of a final agreement;

WHEREAS the Parties believe that it would promote efficiency and the conservation of the Court's and the Parties' resources to continue pretrial deadlines while the Parties negotiate the terms and conditions of a final agreement;

THEREFORE, the Parties, through their respective counsel of record, hereby agree and stipulate that:

1. The FDIC's responsive pleading deadline shall be continued from October 31, 2011, to February 1, 2012; and

2. The Case Management Conference and all attendant matters – including the filing of the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Rule 26(a) – shall be continued until after February 1, 2012, on a date to be set by the Court.

Dated: October 7, 2011

NIXON PEABODY LLP

By /s/ Andrew Neilson

Andrew Neilson
Attorneys for Defendant Federal Deposit
Insurance Corporation, as receiver of
United Commercial Bank

Dated: October 7, 2011

LATHAM & WATKINS LLP

By /s/ Timothy Crudo

Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

~~PROPOSED~~ ORDER

The Case Management Conference currently scheduled for October 31, 2011, is hereby continued to March 2, 2012. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before February 24, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 11, 2011


Hon. Jeffrey S. White